

# CITY OF ANGELS CITY COUNCIL MINUTES

**Tuesday, April 2, 2013**

Council Members Present: Jack Lynch (Vice Mayor), Stuart Raggio, Wes Kulm and Bert Sobon

Council Members Absent: Elaine Morris

Staff Present: Michael McHatten, Derek Cole, Dave Myers, Todd Fordahl, Dave Hanham and Susan Winans

## **4:30 p.m. CALL TO ORDER**

### **ADJOURN TO CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) (1) of Government Code Section 54956.9 (one potential case)
- B. PUBLIC EMPLOYEE APPOINTMENT: pursuant to California Code Section 54957  
TITLE: Finance Officer

## **6:00 p.m. CALL TO ORDER**

### **ACTION TAKEN IN CLOSED SESSION**

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to subdivision (b) (1) of Government Code Section 54956.9 (one potential case)  
Council Action: DIRECTION GIVEN TO STAFF
- B. PUBLIC EMPLOYEE APPOINTMENT: pursuant to California Code Section 54957  
TITLE: Finance Officer  
Council Action: DIRECTION GIVEN TO STAFF

### **APPROVAL OF AGENDA**

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0-1 APPROVING THE AGENDA AS PRESENTED.

### **STAFF UPDATES**

**Michael McHatten** – City Administrator

Report included in packet.

**Todd Fordahl** –Chief of Police

Report included in packet.

**David Hanham** – Director of Planning and Building

Report included in packet.

**David Myers** – City Engineer

Report included in packet.

## **COUNCIL UPDATES**

### **Stuart Raggio**

- Attended UPA meeting. UPA changing their name to Utica Water & Power Authority.

### **Bert Sobon**

- Attended Museum Commission, UPA meeting.
- Attended UPA meeting.

### **Wes Kulm**

- Unable to attend meetings as he was out of town.

### **Jack Lynch**

- Attended UPA meeting.
- Attended Museum Commission.
- Attended 1 day inaugural meeting at the Museum.

## **PUBLIC COMMENTS**

### **Anne Forrest – 1545 Tryon**

Informed the Council of the upcoming workshop presented by ACBA and DAC called “The 20 Ingredients of an Outstanding Downtown” scheduled for Monday, April 8, 2013 at 5:30 pm at the Angels Camp Fire Station on Vallecito Road.

## **CONSENT AGENDA**

In reference to item C. Council Member Raggio asked if consideration had been given to the fact that August 31<sup>st</sup> is Memorial Day weekend. Staff indicated they were aware of that.

Vice Mayor Lynch pulled item b from the Consent Agenda.

Council Member Kulm pulled item d from the Consent Agenda.

**MOTION** by Council Member Raggio, seconded by Council Member Sobon and carried 4-0 **ADOPTING THE CONSENT AGENDA ITEMS AS PRESENTED:**

- a. Approve Minutes of Regular meeting March 19, 2013
- c. Adopt Resolution No. 13-11: approving State Route 49 road closure August 31, 2013

Vice Mayor Lynch commented that the Firefighters Association MOU was an excellent document and he commended the firefighters for agreeing to making a full contribution towards the 7% employee contribution. He further thanked City Administrator McHatten and the Firefighters for negotiating a fair and equitable agreement.

**MOTION** by Vice Mayor Lynch, seconded by Council Member Kulm and carried 4-0-1 **ADOPTING THE FOLLOWING CONSENT AGENDA ITEM:**

- b. Adopt Resolution No. 13-08 adopting the Firefighters Association MOU.

Council Member Kulm questioned if legal counsel concurred with the Firewood Disposal Policy. City Attorney Derek Cole indicated that he did. Council Member Kulm brought up liability issues. Mr. Cole indicated that liability could be addressed through an implementation policy.

Council Member Raggio expressed his concern with the City telling citizens they could not have the wood that was stored on City property. Vice Mayor Lynch reminded Council that the public could take wood stacked near the street. City Administrator McHatten reminded Council of the costs involved in disposing of scrap wood. Council advised that City Administrator McHatten make a report to Council in 6 months regarding the implementation of the policy.

**MOTION** by Council Member Kulm, seconded by Council Member Sobon and carried 3-1-1, with Council Member Raggio voting ‘NO’ **ADOPTING THE FOLLOWING CONSENTAGENDA ITEM:**

- c. Adopt Firewood Disposal Policy.

## **REGULAR AGENDA**

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### **1. PUBLIC HEARING: CDBG INCOME REUSE PLAN**

CDBG Consultant Terry Cox provided a sign in sheet for persons wishing to respond at the public hearing and asked that any written comments be addressed to City Hall. Terry gave a brief report on the requirements of the CDBG Income Reuse Plan and the benefits to the City.

6:34 Public Hearing Opened

Vice Mayor Lynch asked if there were any members of the public who wished to comment on this item. There being none, the public hearing was closed.

6:34 Public Hearing Closed

MOTION by Council Member Kulm, seconded by Council Member Raggio and carried 4-0-1  
ADOPTING RESOLUTION NO. 13-09. A RESOLUTION APPROVING AN UPDATE OF THE  
CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME REUSE PLAN.

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### **2. PUBLIC HEARING: CDBG PLANNING GRANT APPLICATION**

CDBG Consultant Terry Cox provided a sign in sheet for persons wishing to respond at the public hearing and asked that any written comments be addressed to City Hall. Terry gave a brief report on the Application for Funding and the execution of a Grant Agreement and any amendments from the Planning/Technical Assistance Allocation of the state Community Development Block Grant Program.

6:42 Public Hearing Opened

Vice Mayor Lynch asked if there were any members of the public who wished to comment on this item.

**Anne Forrest** – 1545 Tryon Road

Speaking for Destination Angels Camp. DAC supports the grant application.

6:44 Public Hearing Closed

MOTION by Council Member Sobon, seconded by Council Member Kulm and carried 4-0-1  
ADOPTING RESOLUTION NO. 13-10. A RESOLUTION APPROVING AN UPDATE OF THE  
CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME REUSE PLAN.

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### **3. FEDERAL LANDS ACCESS PROGRAM (FLAP) GRANT APPLICATION**

Planning Director, David Hanham introduced Amy Augustine of Augustine Planning Associates. She gave a report on the plan to fund construction of the South Reach of the Angels Creek Trail. Ms. Augustine informed the Council that it would be cost effective to approve funding for the construction of the Trail from Kirk Drive to New Melones Lake concurrently.

Vice Mayor Lynch asked if there were any members of the public who wished to comment on this item.

**Anne Forrest** – 1545 Tryon Road

Speaking for Destination Angels Camp. DAC supports the construction of the Angels Creek Trail and believes it will be beneficial to businesses in Angels Camp.

John Broeder- 1860 Finnegan Lane

Mr. Broeder is excited about this grant and anticipating having the trail go by his property.

Tad Folendorf – 1090 Utica Lane

Mr. Folendorf asked if the trail would be limited to pedestrians and bicycles or if horses would be allowed. Staff responded that the trail would not be for equestrian use.

7:03 Public Hearing Closed

Vice Mayor Lynch questioned whether voting to approve the grant application with the inclusion of the trail section from Kirk Drive to Finnegan Lane was appropriate. City Attorney Derek Cole indicated that the Brown Act required notification of that addition. Council directed Director Hanham to return to Council on April 16, 2013 with an amendment to the application to include the addition of the Central Trail section.

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0  
APPROVING A GRANT APPLICATION THROUGH THE FEDERAL LANDS ACCESS  
PROGRAM TO ENGINEER AND CONTRUCT THE SOUTH REACH OF THE ANGELS CREEK  
TRAIL.

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4. **ROLLERI BYPASS ROAD: INCLUDE IN COUNTY MAINTAINED ROAD PROGRAM**

Planning Director, David Hanham recommended the City Council recommend to the Calaveras County Board of Supervisors that Rollerri Bypass be included in the county Maintained Road Program of the County.

7:17 Vice Mayor Lynch asked if there were any members of the public who wished to comment on this item.

**Tad Folendorf**- 1090 Utica Lane

Mr. Folendorf supports the maintenance of the south portion of Rollerri Bypass including an overlay. He supports the action recommended by the Building and Planning department.

Vice Mayor Lynch asked that the recommendation be amended to emphasize the code requirements of secondary ingress and egress to/from Foothill Village.

MOTION by Council Member Kulm, seconded by Council Member Sobon and carried 4-0-1  
DIRECTING CITY STAFF DRAFT A LETTER ASKING THE BOARD OF SUPERVISORS TO  
INCLUDE ROLLERI BYPASS IN THE COUNTY MAINTAINED ROAD PROGRAM AND  
FURTHER, THAT THE COUNTY UTILIZE MONIES ALLOCATED FOR BRIDGE REPAIR TO  
REPAIR THE BRIDGE ON THE SOUTHERN PORTION OF ROLLERI BYPASS TO PROTECT  
THE ACCESS TO FOOTHILL VILLAGE AND THE STELTE PARK DEVELOPMENT.

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5. **WORKSHOP TO CONSIDER AMENDING DRAFT ORDINANCE #461 AMENDING  
CHAPTER 17.63, LANDSCAPING AND ADDING CHAPTER 17.64 ORDINANCE #462 OAK  
TREE AND HERITAGE TREES AND GUIDELINES**

Planning Director, David Hanham outlined the Planning Commission's draft ordinance for Oak Tree & Heritage Tree Preservation and asked that the City Council review the current draft and give Staff direction to either make changes to the Ordinance and return to the Council or recommend changes to go back to the Planning Commission.

8:05 Vice Mayor Lynch asked if there were any members of the public who wished to comment on this item.

**Tad Folendorf**- 1090 Utica Lane

Mr. Folendorf feels that the Ordinance is over-reaching and over regulates. Live Oaks are weeds. Trees cause damage to property and other trees. Mr. Folendorf wants the Council to relook at this Ordinance.

**John Broeder** – 1860 Finnegan Lane

Mr. Broeder agrees with tree preservation but is frustrated with how long it has taken to get this Ordinance to the Council. He feels Council Members could be misinterpreting the document-that most of it does not apply to the "homeowner".

**Kristy Reesman** – 1540 Finnegan Lane

Ms. Reesman told the Council she was the sole NO vote on the Planning Commission when the Ordinance came to a vote. She believes the document was borne of frustration and is complicated and punitive.

**John Broeder** – 1860 Finnegan Lane

Commented that we are in a wild land fire area. Selectively trimming trees, brush and poison oak is critical.

Vice Mayor Lynch indicated that the City needs protection from developers that might clear-cut properties in the City, not individual homeowners who know the value of the trees on their property.

Council Member Raggio felt the document was way too big. Along with City Administrator McHatten and Council Member Kulm he commended the Planning Commission on their work and suggested that a workshop be scheduled half way through the revision process.

Vice Mayor Lynch asked the City Attorney what the next steps would be. City Attorney Cole indicated that he would work with Planning Director David Hanham to bring Council's concerns to the Planning Commission. The Planning Commission could then bring the revised Ordinance back to the Council at a later date. He further recommended that the Ordinance be separated from the Landscaping Ordinance.

Council Member Raggio asked about the \$30,000 Oak Tree Preservation Fund. City Attorney Cole suggested the account be set up, and funded by impact fees paid by Developers, alleviating the need for the City to provide seed money for the account.

**DIRECTION:** ITEM TO BE TAKEN TO PLANNING COMMISSION TO REVIEW AND REVISE.

**MEETING WAS ADJOURNED AT 8:40 P.M.**

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Elaine Morris  
Mayor

ATTEST:

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Susan Winans  
Deputy City Clerk